

HOUSE BILL No. 1652

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-27-7.5-8.

Synopsis: Marking of dams with hazard warnings. Requires the department of natural resources to: (1) mark each dam over which the department has jurisdiction and supervision with signs and buoys warning the swimming, fishing, and boating public of the hazards posed by the dam; and (2) adopt rules to implement that duty.

Effective: Upon passage.

Austin, Bischoff

January 16, 2009, read first time and referred to Committee on Natural Resources.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1652

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-27-7.5-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The
3 department:

4 (1) has, on behalf of the state, jurisdiction and supervision over
5 the maintenance and repair of structures in, on, or along the
6 rivers, streams, and lakes of Indiana;

7 (2) shall exercise care to see that ~~the~~ structures **referred to in**
8 **subdivision (1)** are maintained in a good and sufficient state of
9 repair and operating condition to fully perform the intended
10 purpose;

11 (3) shall grant permits for the construction and operation of
12 structures ~~in, on, or along the rivers, streams, and lakes of~~
13 ~~Indiana~~; **referred to in subdivision (1)**;

14 (4) may adopt rules under IC 4-22-2 for permitting, maintenance,
15 and operation that are necessary for the purposes of this chapter;
16 ~~and~~

17 (5) shall, for each structure referred to in subdivision (1),

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1 **mark:**

2 (A) the areas above and below the dam with signs and
3 buoys; and

4 (B) the banks immediately adjacent to the dam with signs;
5 of a design and content to warn the swimming, fishing, and
6 boating public of the hazards posed by the dam;

7 (6) shall adopt rules under IC 4-22-2 before 2010 to
8 implement the department's duties under subdivision (5); and

9 ~~(5)~~ (7) may vary the standards for permits, maintenance, and
10 operation, giving due consideration to the following:

11 (A) The type and location of the structure.

12 (B) The hazards to which the structure is or may be exposed.

13 (C) The peril to life or property if the structure fails to perform
14 the structure's function.

15 (b) The department shall establish by rule the criteria for assigning
16 a hazard classification to a structure that is based on the potential
17 consequences resulting from the uncontrolled release of the structure's
18 contents due to a failure of the structure. The hazard classification
19 system must include the following classes of structures:

20 (1) High hazard: A structure the failure of which may cause the
21 loss of life and serious damage to homes, industrial and
22 commercial buildings, public utilities, major highways, or
23 railroads.

24 (2) Significant hazard: A structure the failure of which may
25 damage isolated homes and highways, or cause the temporary
26 interruption of public utility services.

27 (3) Low hazard: A structure the failure of which may damage
28 farm buildings, agricultural land, or local roads.

29 **SECTION 2. An emergency is declared for this act.**

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